

### **REMARKS**

In the Office Action, the Examiner rejected claims 10, 12-15, 18, 20-22, and 25-38 under 35 USC 102. The rejections are fully traversed below.

Claims 20-22, 25-28, 30-33 and 35-37 have been amended. Claim 29 has been cancelled. Claims 39-42 have been added. Thus, claims 10, 12-15, 18, 20-22, 25-42 are pending in the application. Reconsideration of the application is respectfully requested based on the following remarks.

### ***DRAWINGS***

Formal Drawings will be supplied when the case is allowed.

### ***Claim Objections***

Although the Applicant disagrees with the objection, claim 28 has been amended to overcome the objection. In particular, "matingly engaging" has been changed to "mates with."

**ISSUES UNDER 35 USC 102(b)**

**Claims 10, 12-15, 18, 20-22, 25-38 have been rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,585,823 (*Duchon*).**

In *Duchon*, the mouse 18 includes a button 40 coupled to a housing 36. The housing 36 and button 40 are separate and distinct components. In contrast, the mouse of the present invention combines the mouse housing and the mouse button(s) into a single integrated unit (the features of which are defined in the claims). That is, while *Duchon* may disclose a mouse 18, *Duchon* does not teach or suggest a portion of its housing 36 acting like a button. The mouse 18 described in *Duchon* is a conventional mouse that includes a depressible button 40 independent of the housing 36 of the mouse 18, i.e., the housing 36 of the mouse 18 does not serve as a button.

In contrast to *Duchon*, claim 10 (and its dependents) specifically requires, "...the button function being incorporated into a housing component of the mouse, the housing component being configured to substantially enclose electronics associated with the mouse." In *Duchon*, it is the button 40 that implements the button function not the housing 36, i.e., the button function is incorporated into button 40. The button 40 is not a housing component. Accordingly, the rejection is unsupported by the art and should be withdrawn.

Also in contrast to *Duchon*, claim 15 (and its dependents) specifically requires, "...a mouse housing configured to be grasped and manipulated by a hand of a user...and serving as a movable button so as to perform an onscreen action..." While *Duchon* may disclose a mouse 18 having a housing 36, *Duchon* fails to teach or suggest a housing 36 that is movable so as to perform an onscreen option (e.g., button click). In *Duchon*, it appears that the housing 36 provides a surface to the user so that the user may move the mouse 18 along a surface. The housing 36, however, does not move so as to perform an on screen option (clicking action) as required by claim 15, i.e., the housing 36 is a fixed component. It appears that the onscreen options are performed by depressible button 40. The button 40, however, is not a mouse housing and further the button 40 is not configured to be grasped and manipulated by a hand of a user. A user would simply not hold onto the button 40 to move the mouse 18 around a surface. This

function is performed by the housing 36 not the button 40. Accordingly, the rejection is unsupported by the art and should be withdrawn.

In contrast to *Duchon*, claim 20 (and its dependents) specifically requires, "...an integral top member..." *Duchon* simply does not teach or suggest an integral top member. In *Duchon*, the top of the mouse 18 is formed by both the housing 36 and the button 40. Accordingly, the rejection is unsupported by the art and should be withdrawn.

In contrast to *Duchon*, claim 32 and 36 (and their dependents) specifically requires, "...the top member defining the entire top surface of the mouse housing..." In *Duchon*, the top surface is defined by multiple components including at least the housing 36 and the button 40. Accordingly, the rejection is unsupported by the art and should be withdrawn.

Although the rejections to the dependent claims 12-14, 18, 21, 22, 25-28, 30, 31, 33-35 and 37-40 should be withdrawn for at least the reasons as above, it should be noted that they offer additional language that is unsupported by the art. For example, claim 38 specifically requires "...wherein the mouse housing has no separate mechanical buttons disposed thereon..." In contrast, *Duchon* discloses a mouse 18 with a separate mechanical button 40. *Duchon* states, "...The computer mouse includes a single button 40 coupled to the housing 36...(Col. 4, lines 28-29)." Accordingly, the rejection is unsupported by the art and should be withdrawn. Furthermore, claim 28 specifically requires, "wherein the integral top member includes a pair of pivots, and wherein the base member includes a pair of snap mechanisms that mate with the pair of pivots. *Duchon* is completely silent to such a feature. Accordingly, the rejection is unsupported by the art and should be withdrawn.

**SUMMARY**

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read "Hoellwarth", with a stylized initial "Q" or "H" at the beginning.

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